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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,054	11/17/2003	Masanobu Ogino	245557US0S X	1158
22850	7590	10/30/2006	EXAMINER	
<b>C. IRVIN MCCLELLAND</b> OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				NGUYEN, THANH T
		ART UNIT		PAPER NUMBER
		2813		

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,054	OGINO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh T. Nguyen	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) 6-9, 14-17 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 10-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Request for Continued Examination***

The request filed on 8/2/06 for a Request for Continued Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. An action on the RCE follows.

### ***Information Disclosure Statement***

The IDS filed on 6/14/06 has been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Menegoli (U.S. Patent No. 6,133,107).

Referring to figures 12-14, Menegoli a semiconductor substrate comprising:  
a lightly doped substrate (50, P-) that contains impurities at a low concentration (see figure 12, col. 4, lines 66-67);

a heavily doped diffusion layer (54, N+, see figure 12, col. 5, lines 3-10) which entirely covers a top of the lightly doped substrate (50) and is higher impurity concentration than the lightly doped substrate (see col. 4, lines 66-67, col. 1-10); and

an epitaxial layer (60, col. 5, lines 22-26) which entirely covers a top of the heavily doped diffusion layer and contains impurities at a lower concentration than the heavily doped diffusion layer (see figure 12, col. 5, lines 22-26).

Claims 10, 11, 13 are stand rejected under 35 U.S.C. 102(b) as being anticipated by Adamic Jr. (U.S. Patent No. 6,124,179), as previously applied.

Referring to figures 2a-2d, Adamic Jr., teaches a semiconductor substrate comprising: a heavily doped diffusion layer (N+) which entirely covers a top of a lightly doped substrate and is higher in impurity concentration than the lightly doped substrate, the lightly doped substrate being removed at a final stage of a process; and

an epitaxial layer (N-) which entirely covers a top of the heavily doped diffusion layer (N+) and contains impurities at a lower concentration than the heavily doped diffusion layer, wherein an impurity diffusion layer for forming a semiconductor device is formed the epitaxial layer (see figure 2a-2d, col. 8, lines 1-10, col. 11, line 33-40).

regarding to claim 11, wherein a resistance of the epitaxial layer 10Ωcm or less (see col. 8, lines 7-10) .

Regarding to claims 13, the lightly doped substrate and the heavily doped diffusions layer (N+) are of a first conductivity type, and the epitaxial layer is of a second conductivity type (232)

With regard to claim 10, 13, the term “the lightly doped substrate being removed at a final stage of a process” is method recitations in a device claimed, and they are non-limiting, because only the final product is relevant, not the method of making. A product by process claim is directed to the product per se, no matter how actually made. See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claimed in “product by process” claims or not.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menegoli (U.S. Patent No. 6,133,107) as applied to claim 1 above, or Adamic Jr. (U.S. Patent No. 6,124,179) as applied to claims 10-11, 13 above in view of the Admitted Prior Art of the Present Invention, pages 1-4 and further in view of Werner (U.S. Patent No. 6,469,365).

Menegoli teaches a semiconductor substrate having a lightly doped (p-type), heavily doped and an epitaxial layer, wherein the heavily doped diffusion layer and the epitaxial layer are of the same conductivity type (see figure 12-14, wherein both heavily doped and epitaxial layer are p-type). However, the reference does not teach the light doped substrate contains phosphorus or boron, the resistance of the epitaxial layer is 10Ωcm or less, and the lightly doped

substrate and the heavily doped diffusion layer are of a first conductivity type, and the epitaxial layer is of a second conductivity type.

The Admitted prior art teaches the lightly doped substrate contains phosphorus or boron (see page 1, lines 20-25, meeting claim 2), the resistance of the epitaxial layer is  $10\Omega\text{cm}$  or less (see page 4, lines 12-13, meeting claim 3).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form a device having the light doped substrate contains phosphorus or boron, the resistance of the epitaxial layer is  $10\Omega\text{cm}$  or less in process of Menegoli or Adamic, Jr. as taught by the Admitted Prior because doping the material into the layer to improve the conductivity of the device.

Werner teaches forming a lightly doped substrate (p-), the heavily doped diffusion layer (p+), and the epitaxial layer (P) is of the same conductivity type (see figure 1, meeting claim 4).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form forming a lightly doped substrate (p-), the heavily doped diffusion layer (p+), and the epitaxial layer (P) is of the same conductivity type in process of Menegoli as taught by Werner because changing the conductivity type would provide a desire device.

It is known in the art to have the lightly doped substrate and the heavily doped diffusion layer are of a first conductivity type, and the epitaxial layer is of a second conductivity type.

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form the lightly doped substrate and the heavily doped diffusion layer are of a first conductivity type, and the epitaxial layer is of a second conductivity

type in process of Menegoli because changing the conductivity type would provide a desire device.

***Response to Arguments***

Applicant's arguments filed 8/25/06 have been fully considered but they are not persuasive.

Applicant contends that Adamic Jr. does not teach the limitation of "the lightly doped substrate being removed at a final stage of a process". In response to applicant, this is a device claim, the lightly doped substrate is removed at the final structure. The method recitations in a device claimed, and they are non-limiting, because only the final product is relevant, not the method of making.

The additional references cited in form PTO-892 show further analogous circuitry. Specifically references (Werner, 6469365; Lee, 2002/0063266) are particularly relevant to claimed device and manufacture which recited in claims 1-5, 10-13. These references are deemed relevant and should be carefully reviewed before any amendment is filed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Nguyen whose telephone number is (571) 272-1695, or by Email via address Thanh.Nguyen@uspto.gov. The examiner can normally be reached on Monday-Thursday from 6:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached on (571) 272-1702. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to thy Private PAIR system, contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).



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TTN